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10/566,836	02/02/2006	Tatsuya Shimoji	2006-0114A	7518
52349 7590 08/20/2009 WENDEROTH, LIND & PONACK L.L.P. 1030 15th Street, N.W. Suite 400 East Washington, DC 20005-1503				
EXAMINER JOHNS, CHRISTOPHER C				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/566,836

**Applicant(s)**

SHIMOJI ET AL.

**Examiner**

Christopher C. Johns

**Art Unit**

3621

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,5,6 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Acknowledgements***

1. This Office Action is given Paper No. 20090811 for reference purposes only.
2. This Office Action is in response to the Request for Continued Examination, filed 21 May 2009.
3. All references to the capitalized version of "Applicant" refer specifically to the Applicant or Applicants of record in the instant application. Any references to lowercase versions of "applicant" or "applicants" refer to any or all patent applicants. Unless expressly noted otherwise, references to the capitalized version of "Examiner" refers to the Examiner of record while reference to or use of the lower case version of "examiner" or "examiners" refers to examiner(s) generally. The notations in this paragraph apply to any future Office actions from this Examiner.
4. Claims 1, 2, 5, 6, and 15 are pending.

***Claim Rejections - 35 USC § 112 1<sup>st</sup> Paragraph***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1, 2, 5, 6, and 15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the

relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

7. Independent claims 1 and 5 recite (as in claim 1), “a determination section”. The specification recites that the structure of the “determination section” appears to be in the “communication processing section” (see original claims 1, 5, and ¶0012).

8. Independent claims 1, 5, and 15 recite (as in claim 1), “when the determination section determines that the presentation request includes the second link information, distributes the resources that are accessed based on the link destination indicated by the second link information to the receiving terminal”. A reading of the specification shows that when “second link information” is received, “information for accessing the startup document of the other content is described” to the terminal (Abstract and ¶62), rather than “resources that are accessed based on the link destination”.

9. Independent claims 1, 6, and 15 recite (as in claim 1), “a view processing section that, when a resource of the plurality of resources is distributed from the server without a view license...executes the view processing on the resource distributed from the server by using a view license of the plurality of view licenses stored in the view license storage section”. The specification does not specify a case where a resource is distributed without a view license (see e.g. ¶63).

10. Claim 2 is rejected for at least its dependency upon claim 1.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1, 2, 5, 6, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent Application Publication 2004/0143760 (“Alkove”), in view of United States Patent 5,629,980 (“Stefik”), further in view of Official Notice.

13. As per claims 1, 2, 5, 6, and 15, Alkove discloses:

14. server comprises a content storage section that stores the plurality of contents (it is inherent in the art of computing to have content storage sections, such as a hard drive or memory, as this is how digital items are stored and used);

15. each stored content of the plurality of stored contents including the plurality of resources being kept (figure 2, reference 204-1 - 204-N), by a plurality of different methods (figure 2, “Metadata”, “Audio”, “Video”, “Other”), in a state such that each resource of the plurality of resources cannot be used as is (figure 2, “Encrypted Data Objects”);

16. each stored content including a startup document (figure 2, reference 202-1 - 202-N) that describes identification information identifying a plurality of view licenses that are required for viewing all of the resources of the plurality of resources (§127 - “LAINFO tag indicates where an end-user is to be redirected to obtain a license to view the corresponding encrypted content”);

17. a determination section that receives a presentation request for a resource from the receiving terminal and that determines whether the presentation request includes the first link

information or the second link information, a communication processing section that, when the determination section determines that the presentation request includes the first link information, distributes the predetermined resource that is accessed based on the link destination indicated by the first link information to the receiving terminal (inherent in the operation of Alkove - when the information pertaining to the requested content is received, the requested content will be delivered, as this is the point of the system);

18. wherein the receiving terminal comprises a view licenses storage section that stores plurality of view licenses for a content of the plurality of contents that includes a resource of the plurality of resources that is currently being viewed (figure 1, reference 118 - the licenses are clearly sent to the End-User 110, and as such are stored at least temporarily in memory);

19. communication processing section that, when a presentation of a new resource of the plurality of resources is specified from the resource that is currently being viewed and that includes the first link information or the second link information, transmits, to the server, a presentation request for a resource, of the plurality of resources, including the first accordance with the presentation request from the server (figure 1, reference 114; ¶19 - “the content distributor provides for communicating the data file to end-user 110 through the Internet, CD, or other conventional means...”);

20. provides the receiving terminal with the plurality of view licenses identified by the identification information described in the startup document referred to by the reference information described in the link information (figure 1, reference 118);

21. a view processing section that, when a resource of the plurality of resources is distributed from the server without a view license, of the plurality of view licenses, being provided therein,

executes the view processing on the resource distributed from the server by using a view license (inherent in the system, as the purpose of the system is to protect content using licenses and to allow the user to utilize the licenses in order to exploit the content) of the plurality of view licenses stored in the view license storage section (figure 1, reference 118 - the licenses are clearly sent to the End-User 110, and as such are stored at least temporarily in memory);

22. when a resource of the plurality of resources is distributed from the server along with the view license of the plurality of view licenses, stores the view license distributed along with the resource in the view license storage section (figure 1, reference 118 - the licenses are clearly sent to the End-User 110, and as such are stored at least temporarily in memory) and then executes the view processing on the resource distributed from the server by using the stored view license distributed along with the resource (inherent in the system, as the purpose of the system is to protect content using licenses and to allow the user to utilize the licenses in order to exploit the content);

23. plurality of view licenses are previously stored in the server (inherent in the system as they must be sent to the client for at least some time before the client receives them) and wherein the receiving terminal obtains, from the server, the plurality of view licenses set for the view processing (figure 1, reference 118).

24. Alkove discloses as above, but does not explicitly disclose:

25. one resource of the resources contained in one content of the plurality of contents includes first link information indicating a link destination for access a predetermined resource contained in the one content;

26. said resource includes second link information that indicates a link destination for accessing resources contained in another content of the plurality of contents and that describes reference information referring to the startup document of the another content;
27. when the determination section determines that the presentation request includes the second link information, distributes the resources that are accessed based on the link destination indicated by the second link information to the receiving terminal and provides the receiving terminal with the plurality of view licenses identified by the identification information described in the startup document referred to by the reference information described in the second link information.
28. Stefik discloses:
29. one resource of the resources contained in one content of the plurality of contents includes first link information indicating a link destination for access a predetermined resource contained in the one content (figure 11, reference 1101-1105, "Child Pointers");
30. said resource includes second link information that indicates a link destination for accessing resources contained in another content of the plurality of contents and that describes reference information referring to the startup document of the another content (figure 11, reference 1101-1105, "Child Pointers", "Identifier").
31. Stefik teaches these links to enable multiple documents to be referenced by the same first document - that is, to enable the "root d-block" (1101) to be directly linked to the child d-blocks (1102-1105). This creates a more convenient system whereby users may receive and reference multiple works more easily.



32. Therefore, it would have been obvious to a person having ordinary skill in the art to include in Alkove the linking system as taught by Stefik, since the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately. A person having ordinary skill in the art would have recognized that the results of the combination were predictable, as well as advantageous because it would create an easier-to-use system for users.

33. Alkove in view of Stefik discloses as above, but does not explicitly disclose:

34. when the determination section determines that the presentation request includes the second link information, distributes the resources that are accessed based on the link destination indicated by the second link information to the receiving terminal.

35. The Examiner takes Official Notice that hyperlinks were well-known to those skilled in the art at the time of the invention. Hyperlinks are a substitute for communicating data to a remote party - instead of sending a movie file to three friends (in essence creating three copies of the same data), for example, one might send a hyperlink to these three friends (and allow them to "download" the movie file themselves at their convenience. This creates a more convenient system because the sending user need not create multiple copies of a piece of data, and then send it to multiple recipients (thus filling up their receiving storage areas) - it allows the receiving users to download the file at their convenience.

36. The sole difference between the reference and the instant application is that the reference does not disclose a hyperlink in place of the data itself. Since each individual data reference system and its function are shown in the prior art (though in different references), the difference

between the claimed subject matter and the prior art rests not on an individual element or function, but the combination itself – that is, in the substitution of a hyperlink in Alkove. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a hyperlink in place of straight data, because the simple substitution of one known element for another, producing a predictable result, renders the claim obvious. A person having ordinary skill in the art would also find it advantageous because it would create a more convenient and space-conserving system.

#### ***Response to Arguments***

37. Applicants' arguments with respect to the claims have been considered but are moot in view of the new ground of rejection. They argue limitations that were not previously in the claims – as they have been fully addressed in this Office Action, the arguments are overcome.

#### ***Conclusion***

38. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Christopher C. Johns whose telephone number is (571)270-3462. The examiner can normally be reached on Monday - Friday, 9 am to 5 pm.

39. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

40. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher C Johns/  
Examiner, Art Unit 3621

/EVENS J. AUGUSTIN/  
Primary Examiner, Art Unit 3621